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C O N F I D E N T I A L SECTION 01 OF 03 KINGSTON 001511

SIPDIS

DEPT FOR WHA/CAR (BENT), INL/LP (KBROWN AND NBOZZOLO)

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TAGS: [PREL](#) [PGOV](#) [KCRM](#) [SNAR](#) [JM](#)

SUBJECT: PRIVATE SECTOR'S ANTI-CRIME DECLARATION STIRS MORE DEBATE

REF: A. KINGSTON 01337

[1](#)B. KINGSTON 01349

Classified By: Charge Thomas C. Tighe for Reasons 1.4 (b) and (d).

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Summary  
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[1](#)1. (SBU) In a business sector show of solidarity against Jamaica's escalating murder rate, the Private Sector Organization of Jamaica (PSOJ) launched a three day crime protest on May 25 (Ref A) that received mixed reactions among the island's population. The May 25 kick-off commenced with a rally and ended with the President of the PSOJ asking each Cabinet member publicly to reaffirm support for the rule of law by promising to disassociate from criminals. At a May 30 Parliamentary session, both the Prime Minister and the Leader of the Opposition agreed to have all MPs sign on to the declaration, while some MPs publicly refused to sign the statement as written. In a June 5, meeting with Poloff, the PSOJ President promised to keep the pressure on the authorities by mobilizing public sentiment. Former Prime Minister Edward Seaga applauded the PSOJ for their initiative but was not optimistic that the effort would amount to much. End Summary.

[1](#)2. (C) In a June 5 meeting with Poloff, Private Sector Organization of Jamaica (PSOJ) President Beverly Lopez passionately insisted that Jamaica's political leadership had no excuse for not implementing the tough measures necessary to deal with those aspects of the crime problem that require immediate action. Assessing the public and GOJ response to the PSOJ-led, three-day protest which began May 25 with an anti-crime rally at Emancipation Park in Kingston (Refs A and B), Lopez said that the private sector should not rest until the government and opposition act with the urgency and seriousness required to deal with what has become a national emergency, referring to the level of violent crime. She acknowledged that the PSOJ should have "done something sooner" about the issue, but said that the PSOJ lacked any leverage or real authority, only moral suasion when dealing with the GOJ.

[1](#)3. (C) The PSOJ will continue to mobilize the public, she said, to ensure that the GOJ complies with the commitments it made to the PSOJ following the protest. If the PSOJ's May 25 protest and declaration are to lead anywhere, they must be followed by concrete expressions of the government's commitment to apply measures that will effectively fight crime, Lopez stated. She claimed that legislation to amend the evidence act must be brought into effect immediately to allow the police to counteract threats to potential witnesses. The introduction of plea-bargaining and proceeds of crime legislation is essential to narrow the scope for criminals to avoid the reach of the law or to escape on technical grounds when brought before the courts. Lambasting the government's inability to act, Lopez stated, if the government wants to get serious, they can "damn well pass laws overnight" as that is exactly what has been done to pass certain tax legislation.

[1](#)4. (C) Lopez said that she is resigned to the fact that if half of the measures in the 12-point declaration were met, it would be worth the PSOJ's efforts. She acknowledged criticism by some MP's of the second point in the declaration, which states, "All political officers (holders of elected office) should sever and publicly declare a commitment to disassociate themselves and their constituency organizations from gunmen, dismantle garrisons and disassociate themselves from any association with criminals or the acceptance of any financial or other support from criminals. This commitment must be made with the understanding that the political parties will undertake to publicly rebuke and automatically expel any member who is found to be in breach." According to Lopez, this point was included without prior consultation with parliamentarians, and she understands why some MPs are unwilling to agree to it. Lopez said that the PSOJ is determined, however, to keep the pressure on and promised to publish a monthly score sheet of who has signed the declaration.

15. (C) Responding to the PSOJ declaration, on May 30 Prime Minister P.J. Patterson and Leader of the Opposition Bruce Golding agreed to review and revise the Code of Conduct for politicians based on a reworded PSOJ declaration. A joint select committee on security will also be established to consider capacity enhancing measures as well as material support for the security forces. Additionally, a police oversight body will be established to monitor and report on the performance of the Jamaica Constabulary Force (JCF). Changes are being proposed by the PSOJ that would allow for police officers that no longer enjoy the confidence of the Commissioner to be retired in the public interest.

16. (C) Lopez was especially critical of PM Patterson, explaining that what she finds both fascinating and extremely troubling about him is that he appears to be preoccupied with his legacy, to the detriment of his responsibility to govern the country effectively in the present. "What kind of legacy is he trying to leave?" she asked, describing Jamaica as a country in which "the tail is wagging the dog and the dog does not know what to do."

17. (C) The PSOJ initiative also had its critics. Richard Azan, Jamaica Labour Party (JLP) MP for North West Clarendon, was very critical of the PSOJ's protest, which was in part triggered by the murder of his cousin, prominent businessman Maurice Azan. On May 31, Richard Azan, criticizing the duration of the PSOJ's May 25 half-day business shut-down, declared in Parliament that "If we are going to do something, let us do it right and if we are going to sacrifice something, let us sacrifice for a day." Noting that some businesses are only open for a half day on Wednesdays anyway, Azan said, "Don't come with a face card that you are going to close and you close the same time that you used to close". Responding to the PSOJ's call for parliamentarians to sign on to the declaration, Azan demanded that business organizations publish the names of all persons to whom they pay extortion, arguing that businesspersons who pay extortionists are also responsible for crime in the country.

18. (C) On June 3, Delroy Chuck, MP and Opposition Spokesperson on justice issues, told Poloff that nothing would come of the PSOJ declaration, and labeled as ridiculous the PSOJ's contention that MPs associate with alleged gunmen and criminals and thereby contribute to Jamaica's crime problem. He dismissed the PSOJ's announcement as a "bland and foolish statement," adding that he would not sign the declaration as written. On June 5, former JLP Leader and former Prime Minister Edward Seaga chimed in on the GOJ's response to the PSOJ's declaration by stating, "Now that the Government has agreed to act under threat, a condition I never believed Prime Minister Patterson would accept, it is likely there will be bolder involvement by public interest groups than before."

19. (C) Seaga applauded the PSOJ for generating a higher level of outrage and for calling for greater accountability in the fight against crime. Unintentionally contradicting Chuck, however, he predicted that the PSOJ measures would have no enduring benefit because the protest is based on a false assumption that crime would subside if politicians and criminals ceased interacting with each other, as Chuck insisted they do not. Seaga, who represented - and effectively controlled - the notorious West Kingston "garrison" constituency in Parliament for 42 years, noted that the roots of crime involve many factors, some of which can be traced to private sector activities. Seaga opined that those who wish to take a more active role in pressing for the reduction of crime, particularly violent crime, must understand that the real problem is much deeper than the "action/reaction" cycle that has been the pattern over the years.

110. (C) On June 8, Noel daCosta, President of the Jamaica Chamber of Commerce, told Poloff he was optimistic that something would come of the PSOJ's actions. He stated that murder has become no longer isolated in poorer communities. He noted that the solution must come from every member of society and the government must have the will to persevere. He also maintained that the U.S. unfortunately at times "contributes to the problem by putting aid in the wrong place," encouraging the government to apply "Band Aids" rather than formulating real solutions to problems. DaCosta said that he is privately encouraging all MPs to sign the PSOJ declaration. He added that he hoped it did not "take the death of an MP" before parliamentarians agreed to take strong measures to combat the crime problem.

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Comment  
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111. (C) In Post's view, the PSOJ initiative (whatever its genesis) has stirred up a healthy public discussion of Jamaica's record murder rate. It has also shone a welcome light on the widely known but little-acknowledged web of

relationships among some in the island's "respectable" business class, not a few of its political figures, and the criminal underworld. For the PSOJ, focusing public outrage in a way that will force real change, may be the hardest part of its uphill struggle.

12. (C) While the PSOJ initiative was leading the news, for example, a prominent Kingston businessman received widespread favorable coverage for publicly urging his peers to stand up to extortionists as he maintained he had been doing. Days later it emerged that the same businessman's wife had posted (considerable) bail in 2004 for Donald "Zeeks" Phipps, considered to be the criminal leader of a downtown Kingston enclave famously loyal to the ruling Peoples National Party, and who is currently in police custody on different charges, possibly to include two for murder. (The clearly embarrassed businessman explained that he had known Phipps family for 30 years, that they had requested the simple favor, and that posting bail for "Zeeks" did not constitute endorsement of Phipps' alleged misdeeds.)

13. (C) Unfortunately, this type of dissembling by those who should know better, is not uncommon. JLP MP Delroy Chuck, a former Rhodes Scholar and one of the brightest minds in Jamaican politics, mentioned to us in a separate discussion that he had very reluctantly agreed to meet with a recently returned criminal deportee from the U.S. who was attempting to control the extortion racket in an economically depressed part of his constituency. Not long afterwards, Chuck publicly dismissed the PSOJ's contention that some MPs associate with criminals. End Comment.  
TIGHE